

REQUEST FOR COUNCIL ACTION CITY OF SAN DIEGO				CERTIFICATE NUMBER (FOR COMPTROLLER'S USE ONLY) 3000010178	
TO: CITY COUNCIL		FROM (ORIGINATING DEPARTMENT): Public Works/Engineering		DATE: 6/2/2017	
SUBJECT: First Amendment to Wet Utility Agreements with the San Diego Association of Governments for the Mid-Coast Corridor Transit Project.					
PRIMARY CONTACT (NAME, PHONE): Akram Bassyouni, 619-533-3616 MS 908A			SECONDARY CONTACT (NAME, PHONE): Dan Nutter, 619-533-7492 MS 908A		
COMPLETE FOR ACCOUNTING PURPOSES					
FUND	700010	700010	700008	700008	
FUNCTIONAL AREA	OTHR-00000000-WU	OTHR-00000000-WU	OTHR-00000000-SU	OTHR-00000000-SU	
COST CENTER	2013171115	2013171115	2011131412	2011131412	
GENERAL LEDGER ACCT	512066	512066	512066	512066	
WBS OR INTERNAL ORDER	B-15219.06.02	B-15221.06.02	B-15220.06.02	B-15136.06.02	
CAPITAL PROJECT No.	B15219	B15221	B15220	B15136	
AMOUNT	-\$142,441.00	\$2,024,097.00	\$1,372,570.00	\$150,272.00	0.00
FUND					
FUNCTIONAL AREA					
COST CENTER					
GENERAL LEDGER ACCT					
WBS OR INTERNAL ORDER					
CAPITAL PROJECT No.					
AMOUNT	0.00	0.00	0.00	0.00	0.00
COST SUMMARY (IF APPLICABLE):					
AJA00001 AKB00003 AJA00001 AKB00003 B15136 B15221 B15220 B15219 Original Agmt \$496,514.00 \$8,633,814.00 \$3,058,726.00 \$900,182.00 Amendment #1 \$150,272.00 \$2,024,097.00 \$1,372,570.00 (\$142,441.00) Total Agreement \$646,786.00 \$10,657,911.00 \$4,431,296.00 \$757,741.00					
ROUTING AND APPROVALS					
CONTRIBUTORS/REVIEWERS:		APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	
Equal Opportunity Contracting		ORIG DEPT.	Dayton, Myrna	07/05/2017	
Comptroller		CFO			
Liaison Office		DEPUTY CHIEF	Gomez, Paz	07/25/2017	
		COO			
		CITY ATTORNEY			
		COUNCIL PRESIDENTS OFFICE			
PREPARATION OF:	<input checked="" type="checkbox"/> RESOLUTIONS	<input type="checkbox"/> ORDINANCE(S)	<input checked="" type="checkbox"/> AGREEMENT(S)	<input type="checkbox"/> DEED(S)	

<p>1. The Mayor or his designee is authorized to execute a First Amendment to the Utility Agreements with the San Diego Association of Governments for the relocation of water and sewer pipelines located within the railroad corridor in an amount not to exceed \$3,404,498.00, of which \$1,522,842.00 is in CIP AJA00001, Sewer Main Replacements (\$150,272.00 from B15136, Elvira to Morena PI Relocation (S), and \$1,372,570.00 from B-15220, Mid-Coast Corridor Transit Project PL(S)) and \$1,881,656.00 is from CIP AKB00003, Main Replacements (B15221, Elvira to Morena PL Relocation (W)); and</p> <p>2. The Chief Financial Officer is authorized to expend an amount not to exceed \$3,404,498.00 of which \$1,522,842.00 is from Fund 700008, Muni Sewer CIP, in CIP AJA00001, Sewer Main Replacements, of which \$150,272.00 is from B15136, Elvira to Morena PI Relocation (S), and \$1,372,570.00 is from B-15220, Mid-Coast Corridor Transit Project PL(S)), and \$1,881,656.00 is from Fund 700010, Water Utility CIP, in CIP AKB00003, Main Replacements (B15221, Elvira to Morena PL Relocation (W)), for the purpose of executing this amendment to the agreement.</p>	
<p>STAFF RECOMMENDATIONS: Approve the resolution(s). Approve agreement.</p>	
<p>SPECIAL CONDITIONS (REFER TO A.R. 3.20 FOR INFORMATION ON COMPLETING THIS SECTION)</p>	
COUNCIL DISTRICT(S):	1, 2, 3, 7
COMMUNITY AREA(S):	Old Town, Mission Valley, Linda Vista, Clairemont Mesa, La Jolla, University
ENVIRONMENTAL IMPACT:	See Executive Summary for Environmental Impact statement.
CITY CLERK INSTRUCTIONS:	Upon Council approval, please return resolution copies to Dan Nutter at M.S. 908A.

COUNCIL ACTION
EXECUTIVE SUMMARY SHEET
CITY OF SAN DIEGO

DATE: 6/2/2017

ORIGINATING DEPARTMENT: Public Works/Engineering

SUBJECT: First Amendment to Wet Utility Agreements with the San Diego Association of Governments for the Mid-Coast Corridor Transit Project.

COUNCIL DISTRICT(S): 1, 2, 3, 7

CONTACT/PHONE NUMBER: Akram Bassyouni/619-533-3616 MS 908A

DESCRIPTIVE SUMMARY OF ITEM:

This item consists of two wet utility agreement amendments with the San Diego Association of Governments (SANDAG) related to the Mid-Coast Corridor Transit Project, which is an extension of the San Diego Trolley from the Old Town Transit Center to the University Towne Center (UTC) Transit Center. The original agreements provide for the relocation of City-owned wet utility facilities within the railroad right-of-way. The amendments are necessary to account for the exact construction contract costs and unforeseen site conditions during construction.

STAFF RECOMMENDATION:

Approve the resolution(s). Approve agreement.

EXECUTIVE SUMMARY OF ITEM BACKGROUND:

The Mid-Coast Corridor Transit Project is a SANDAG led project which extends the San Diego Trolley from the Old Town Transit Center eleven (11) miles north to the UTC Transit Center, serving communities from Old Town through University. The project is mentioned in the Linda Vista, Clairemont Mesa, La Jolla and University community plans and will provide trolley stations at Tecolote Road, Clairemont Drive, Balboa Avenue, Nobel Drive, the Veterans Administration Medical Center, two on the UCSD campus, Executive Drive, and at the UTC Transit Center.

The alignment of the new trolley tracks are contained within the Railroad Right of Way (RRROW) from Old Town to Gilman Drive. From this point the tracks are aerial and cross over 1-5 Freeway, enter UCSD campus, and finally cross the 1-5 freeway onto Genesee Ave where the aerial track runs down the median of the street to UTC (please see reference location map attached).

During the design, SANDAG identified areas of the project within the RR-ROW and City ROW that will impact existing City assets. Several coordination meetings took place between SANDAG and City staff to discuss, and where possible, resolve the conflicts. The result of these coordination efforts helped shape the language of the previously approved Wet Utility Agreements.

The project is expected to be completed in 2020 at a total project cost nearing 2 billion dollars. The City will continue to coordinate with SANDAG throughout the construction of this project and provide milestone inspection for the installation of City assets.

Currently, the utility relocation construction work is underway. The original agreement costs were based on the engineer's estimate. Due to construction costs coming in higher than originally estimated, unforeseen site conditions and additional scope items, these two Wet Utility Agreements require amending to complete the relocation work for the Mid-Coast project.

The first agreement is the "Wet Utility Reimbursement Agreement between SANDAG and the City of San Diego regarding the Mid-Coast Corridor Transit Project." The City has several wet utility facilities that are within the railroad right-of-way under extinguishable license agreements. The City is subject to a relocation order and is responsible for the costs of relocating these City facilities. Under this relocation agreement, SANDAG will perform the wet utility relocations to City Standards and will be reimbursed \$5,189,037.00 by the City. SANDAG will combine the work into one project along with other SANDAG-funded wet utility relocations for the Mid-Coast project. This amendment is for an additional \$1,230,130.00. This additional amount is due to the construction bid cost coming in higher than the engineer's estimate.

The second agreement is the "Wet Utility Reimbursement Agreement between SANDAG and the City of San Diego regarding the Elvira to Morena Double Track (EMDT) Project." This agreement is similar to the other. In addition to constructing the Mid-Coast extension of the San Diego Trolley, SANDAG is simultaneously adding a second track for heavy rail trains (freight, Amtrak, and Coaster) within the railroad right-of-way. Again, the City is responsible for the cost of relocating City-owned wet utilities within railroad right-of-way, which will be performed by SANDAG with reimbursement from the City in the amount of \$11,304,697.00. This amendment is for an additional \$2,174,369.00. This additional amount is due to the construction bid cost coming in higher than the estimate, adding a pressure reducing station (PRS), and adding interior welds to the water lines.

The City of San Diego recognizes the project's projected positive impact to the local communities, providing connectivity and mobility alternatives from the border along the I-5 corridor up to La Jolla in concurrence with the City's efforts to promote smart growth.

ENVIRONMENTAL IMPACT:

SANDAG as Lead Agency completed an SEIS/SEIR for the Mid-Coast Transit Project (SCH No. 2010051001) dated Sept. 2014 and approved Oct. 15, 2014 covering this activity (utility relocation). Utility upsizing for Mid-Coast/Elvira is adequately addressed in Addendum No. 401591 (04/09/15) to Mitigated Negative Declaration No. 255100 (Citywide Pipeline Projects-2011/SCH No. 2011091045), certified by the Planning Director acting as the Mayor-Appointed Designee on 07/14/15 and is subsequent discretionary action and therefore not a separate project pursuant to State CEQA Guidelines §15378(c). Pursuant to CEQA §15162, there is no change in circumstance, additional information, or project changes to warrant additional environmental review.

CITY STRATEGIC PLAN GOAL(S)/OBJECTIVE(S):

Goal #2: Work in partnership with all of our communities to achieve a safe and livable neighborhoods.

Objective #3: Invest in infrastructure

FISCAL CONSIDERATIONS:

Enterprise funding of \$1,522,842.00 is available in CIP A-JA.00001 Annual Allocation – Sewer Main Replacements, Fund 700008, Muni Sewer CIP, and enterprise funding of \$1,881,656.00 is available in CIP A-KB.00003, Annual Allocation – Water Main Replacements, Fund 700010, Water Utility CIP for the purpose of funding the two (2) Wet Utility Reimbursement Amendment Agreements.

EQUAL OPPORTUNITY CONTRACTING INFORMATION (IF APPLICABLE):

These agreements are not subject to the City's Equal Opportunity Contracting (San Diego Ordinance No. 18173, Section 22.2701 through 22.2708).

These agreements are subject to the City's Non Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517).

PREVIOUS COUNCIL and/or COMMITTEE ACTION (describe any changes made to the item from what was presented at committee):

On August 3, 2015, City Council approved resolution R-309875 authorizing execution of two wet utility reimbursement agreements with SANDAG for the Elvira to Morena Double Track and Mid-Coast Corridor Transit Project.

On February 13, 2013 the City approved Resolution R-307977, committing the City's support for the Mid-Coast Project and pledging timely cooperation.

On November 27, 1995, the City approved Resolution R-286634 expressing supporting for the Mid-Coast project and the selected corridor.

KEY STAKEHOLDERS AND PROJECTED IMPACTS:

Stakeholders include the City of San Diego, SANDAG, MTS and the San Diego Trolley, transit users, and potential transit users throughout the region. The impacts include an expanded public transit network and improved access to jobs, education, and retail.

Dayton, Myrna

Originating Department

Gomez, Paz

Deputy Chief/Chief Operating Officer

DOCKET SUPPORTING INFORMATION
CITY OF SAN DIEGO
EQUAL OPPORTUNITY CONTRACTING PROGRAM EVALUATION

DATE:

July 11, 2017

SUBJECT: First Amendment to Wet Utility Agreements with the San Diego Association of Governments for the Mid-Coast Corridor Transit Project.

GENERAL CONSULTANT INFORMATION

Recommended Consultant: San Diego Association of Governments (SANDAG) (Not Certified, M Cauc)

Amount of this Action: \$ 3,404,498.00 (First Amendment)

Previous Action: \$ 13,089,236.00 (Original)

Cumulative Amount: \$ 16,493,734.00

Funding Source: City of San Diego

Goal: N/A

SUBCONSULTANT PARTICIPATION

There is no subconsultant or subcontractor participation associated with this action; however, subsequent actions must adhere to funding agency requirements.

EQUAL EMPLOYMENT OPPORTUNITY COMPLIANCE

Equal Opportunity: Required.

SANDAG is a Joint Power of Authority created under authority of Public Entity, and as such, is exempt from submitting Work Force Reports. Refer to San Diego Municipal Code Section 22.2703(b).

These Agreements are subject to the City's Non-Discrimination in Contracting Ordinance (San Diego Municipal Code Sections 22.3501 through 22.3517).

ADDITIONAL COMMENTS

Contract #5004566

TC

**AMENDMENT 1 TO SANDAG CONTRACT NUMBER 5008004
WET UTILITY REIMBURSEMENT AGREEMENT BETWEEN
THE SAN DIEGO ASSOCIATION OF GOVERNMENTS
AND
CITY OF SAN DIEGO
REGARDING THE MID-COAST CORRIDOR TRANSIT PROJECT**

This Amendment No. 1 to SANDAG Contract No. 5008004 concerns a Wet Utility Reimbursement Agreement by and between the San Diego Association of Governments (hereinafter referred to as "SANDAG"), 401 B Street, Suite 800, San Diego, California, and the City of San Diego, hereinafter called "CITY":

- A. Under the original Wet Utility Reimbursement Agreement dated 09/22/2015, SANDAG shall relocate CITY's water and sewer facilities as shown on SANDAG's contract plans for the improvements related to the Mid-Coast Corridor Transit Project, which extends the Trolley Blue Line from the Santa Fe Depot in Downtown San Diego to the University Towne Centre (UTC) Transit Center in University City, hereinafter called "PROJECT".
- B. This Amendment No. 1 is to modify the scope of work for the False Bay Trunk sewer from one to two facilities (Knoxville and Littlefield) and the construction costs for all facilities based on the actual proposal from the contractor. Nothing in this Amendment 1 is intended to relieve the parties of their obligations to perform as required by the said agreement unless expressly stated herein.
- C. This Amendment No. 1 increases the Agreement value by \$1,230,129.12 thus bringing the new Agreement value to \$5,189,037.

NOW, THEREFORE, it is agreed as follows:

1. Section I of the Wet Utility Reimbursement Agreement under the heading "WORK TO BE DONE" shall be amended to instead read as follows:

SANDAG shall relocate CITY's water and sewer facilities as shown in Exhibit A ("RELOCATION") and SANDAG's plans for such relocation, which by this reference are made a part hereof. In addition, SANDAG shall construct the CITY's W21.1 (Anna Ave), False Bay Trunk Sewer (Knoxville) and False Bay Trunk Sewer (Littlefield) as shown on the CITY's plans and as indicated in Exhibit A-1 ("RELOCATION"), which by this reference are made a part hereof.

CITY hereby acknowledges review of SANDAG's plans for the RELOCATION and agrees to the construction in the manner proposed. SANDAG hereby acknowledges receipt of CITY's plans for the construction of W21.1 (Anna Ave), False Bay Trunk Sewer (Knoxville) and False Bay Trunk Sewer (Littlefield) and agrees to construction in the manner proposed.

2. Section V of the Wet Utility Reimbursement Agreement under the heading "PAYMENT OF WORK" shall be amended to instead read as follows:

CITY shall be responsible for the cost of the relocation of water facilities as shown in Exhibit A in the amount not to exceed \$757,741, which consists of the sum of the CONSTRUCTION COST and SUPPLEMENTAL COST as set forth in Exhibit B-1, which is attached hereto and incorporated herein by reference, and ROW and Street fees. CONSTRUCTION COST is the actual reasonable third party construction cost incurred by SANDAG for the RELOCATION work, betterment cost pursuant to Article IV, if any, and any approved CHANGE ORDERS. SUPPLEMENTAL COST consists of project management,

design, plan review, construction management, and related costs incurred by SANDAG and shall be equal to twenty-seven percent (27%) of the CONSTRUCTION COST. ROW and Street Fees shall be eligible for reimbursement at cost.

CITY shall be responsible for the cost of the relocation of sewer facilities as shown in Exhibit A in the amount not to exceed \$1,377,593, which consists of the sum of the CONSTRUCTION COST and SUPPLEMENTAL COST as set forth in Exhibit B-1, which is attached hereto and incorporated herein by reference, and ROW and Street fees. CONSTRUCTION COST is the actual reasonable third party construction cost incurred by SANDAG for the RELOCATION work, betterment cost pursuant to Article IV, if any, and any approved CHANGE ORDERS. SUPPLEMENTAL COST consists of project management, design, plan review, construction management, and related costs incurred by SANDAG and shall be equal to twenty-seven percent (27%) of the CONSTRUCTION COST. ROW and Street Fees shall be eligible for reimbursement at cost.

CITY shall be responsible for the cost of the construction of the FALSE BAY TRUNK SEWER facilities as shown in Exhibit A-1 in the amount not to exceed \$3,053,703, which consists of the sum of the CONSTRUCTION COST and SUPPLEMENTAL COST as set forth in Exhibit B-1, which is attached hereto and incorporated herein by reference, and ROW and Street fees. CONSTRUCTION COST is the actual reasonable third party construction cost incurred by SANDAG for the RELOCATION work, betterment cost pursuant to Article IV, if any, and any approved CHANGE ORDERS. SUPPLEMENTAL COST consists of project management, construction management, and related costs incurred by SANDAG and shall be equal to seventeen percent (17%) of the CONSTRUCTION COST. ROW and Street Fees shall be eligible for reimbursement at cost.

3. Exhibit A-1 (RELOCATION) is now ADDED to Exhibit A (RELOCATION).
4. DELETE Exhibit B (CONSTRUCTION COST and SUPPLEMENTAL COST) in its entirety and REPLACE with Exhibit B-1 (CONSTRUCTION COST and SUPPLEMENTAL COST).
5. SANDAG agrees to accept the City's plans and specifications for W21.1 (Anna Ave) and FALSE BAY TRUNK SEWER as is. The City agrees they are responsible for the sufficiency of the design provided by their consultants.
6. The City agrees to make their consultants available for Design Support During Construction (DSDC).
7. The City agrees to indemnify SANDAG as to the safety and sufficiency of the designed W21.1 (Anna Ave) and False Bay Trunk Sewer (Knoxville) and False Bay Trunk Sewer (Littlefield).
8. All other provisions of said Wet Utility Reimbursement Agreement not amended herein, shall remain in full force and effect. Any modification to this agreement shall be made by written amendment and agreed upon by both parties.
9. This Amendment No. 1 may be executed and delivered by facsimile signature and a facsimile signature shall be treated as an original. This Amendment No. 1 may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same Amendment.

IN WITNESS WHEREOF, these parties have executed this Amendment 1 effective on the date of the last Party to sign.

SANDIEGO ASSOCIATION
OF GOVERNMENTS

GARY L. GALLEGOS
Executive Director

DATE: _____

APPROVED AS TO SUFFICIENCY
OF FORM AND LEGALITY:

Office of the General Counsel

DATE: _____

CITY OF SAN DIEGO

Cindy Crocker
Principal Contracts Specialist
Public Works Contracts

DATE: _____

APPROVED AS TO SUFFICIENCY
OF FORM:

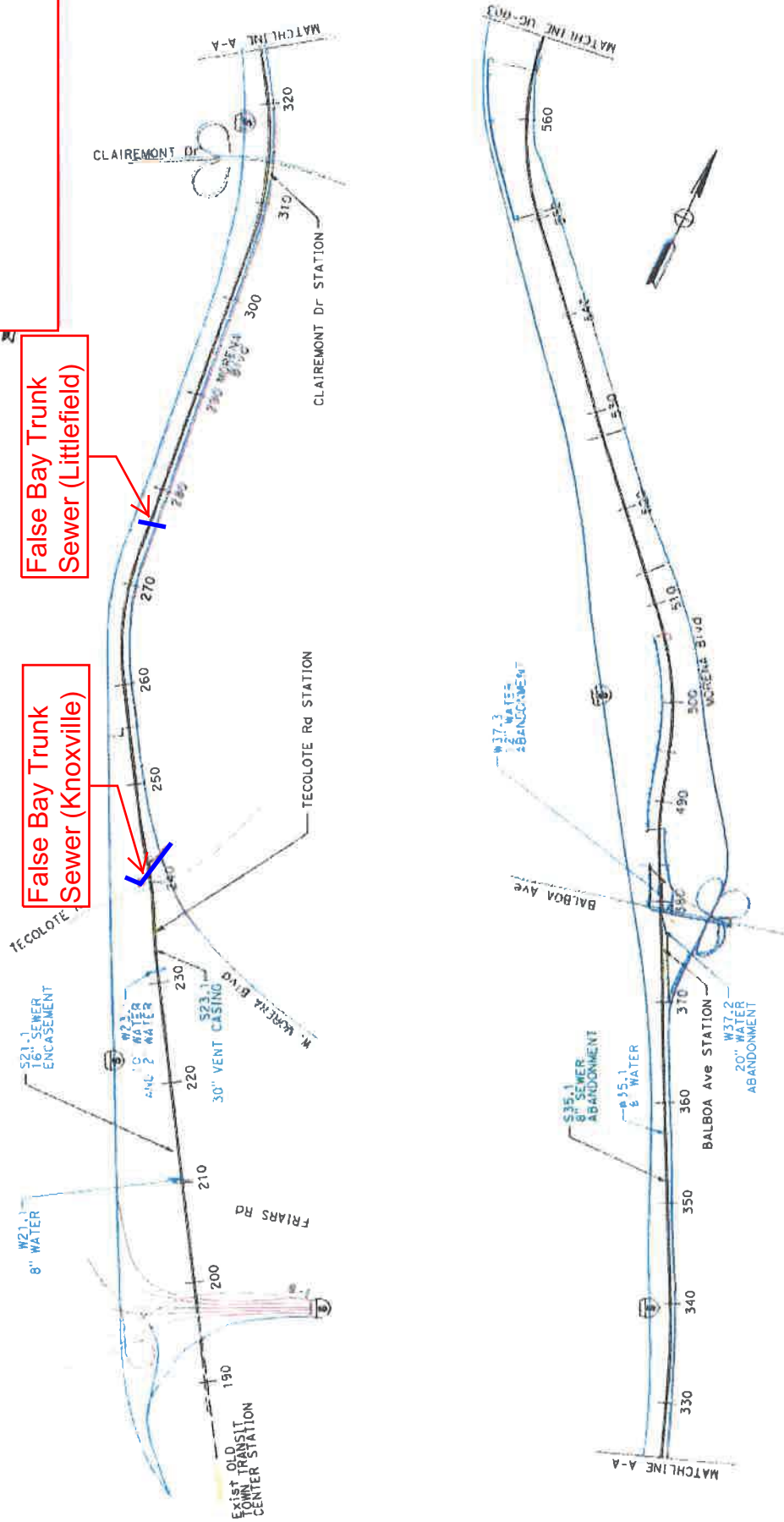
Deputy City Attorney
Christine Leone

DATE: _____

RELOCATION

False Bay Trunk
Sewer (Littlefield)

False Bay Trunk
Sewer (Knoxville)





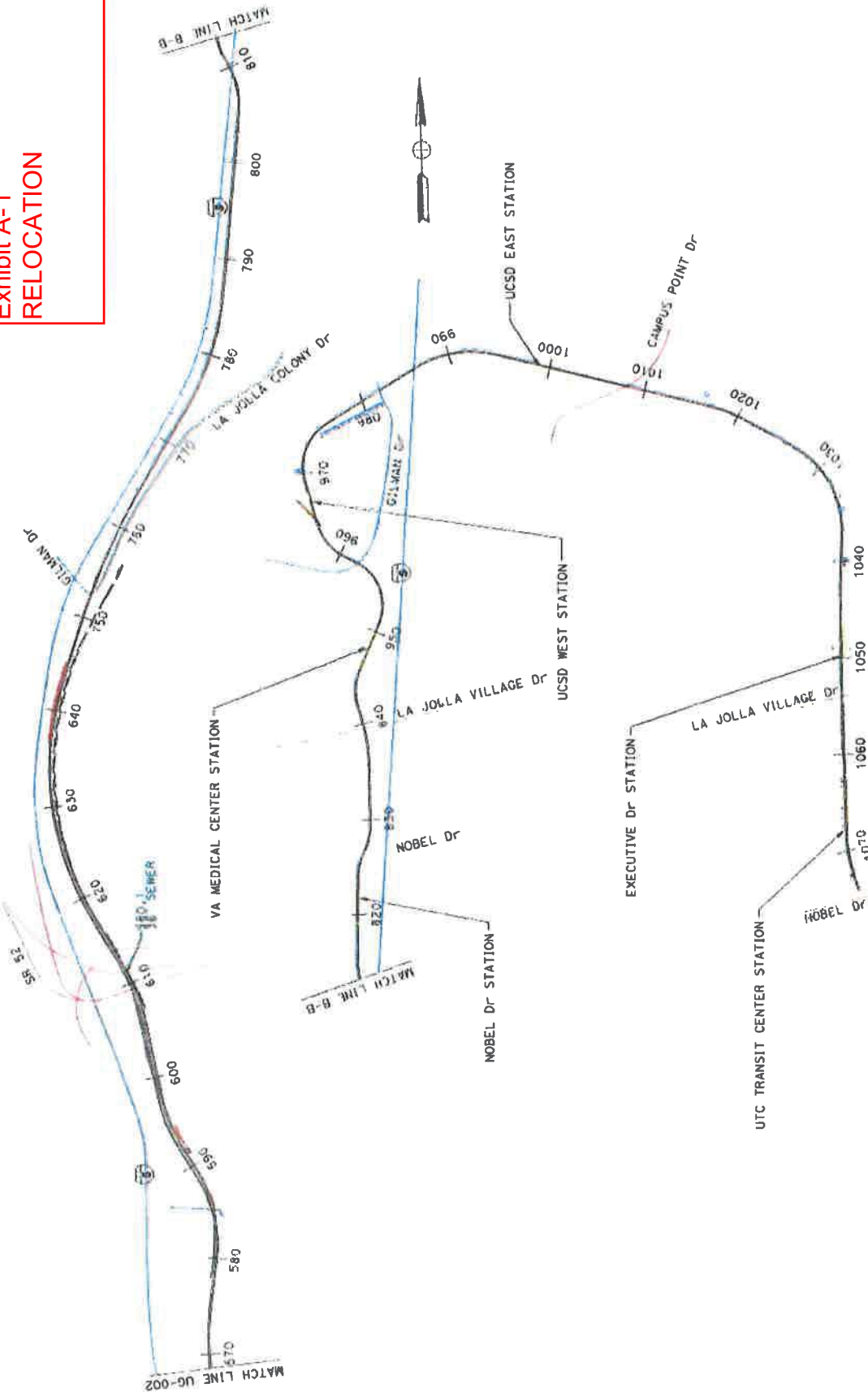
NO.	DATE	REVISION	CHK	APP	RELATIVE BORDER SCALE IS IN INCHES	0	1	2
PARSONS BRINCKERHOFF 401 B STREET, SUITE 1850 SAN DIEGO, CA 92101 TEL (619) 338-3376 FAX (619) 338-9123								
			DESIGNED BY DRAWN BY CHECKED BY SANDAG			DATE		
			MID-COAST CORRIDOR TRANSIT PROJECT			EXHIBIT B		
SCALE NO SCALE			SANDAG CONTRACT NO. 5001904			DRIVING NO. SHEET NO.		
UTILITY RELOCATIONS KEY MAP 1 OF 2			MID-COAST CORRIDOR TRANSIT PROJECT			SANDAG CONTRACT NO. 5001904		

Exhibit A-1 RELOCATION



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Exhibit B-1 - CONSTRUCTION COST AND SUPPLEMENTALCOST (Mid-Coast Wet Utility Relocation Reimbursement Agreement

Category	System	System Description	Basis of Estimate	Construction Cost	Construction Contingency (10%)	27% of Construction Cost for SANDAG Project Management, Design, Plan Review, and Construction Management (Excludes Contingency)	ROW COSTS	STREETFEE COSTS	Total Cost
Sewer	S21.1	15" Sewer, Extend Cap Encasement over Exist Cradle (2EA)	Guaranteed Maximum Price (GMP) from Contractor	\$81,718	\$8,172	\$22,064	\$5,800		\$117,753
Sewer	S23.1	Extend 24" Steel Casing	GMP from Contractor	\$115,711	\$11,571	\$31,242			\$158,524
Sewer	S35.1	Abandon 8" Sewer	GMP from Contractor	\$39,541	\$3,954	\$10,676			\$54,171
Sewer	S60.1	Replace 36" Sewer In-place with 18" Sewer	GMP from Contractor	\$681,973	\$68,197	\$184,133			\$934,302
Sewer	S62.1	Abandon 21" Sewer	GMP from Contractor	\$80,513	\$8,051	\$21,739			\$110,303
						Total Street Fees		\$2,539	\$2,539
						Total General Sewer			\$1,377,593

Category	System	System Description	Basis of Estimate	Construction Cost	Construction Contingency (10%)	17% of Construction Cost for SANDAG Project Management, Design, Plan Review, and Construction Management (Excludes Contingency)	ROW COSTS	STREETFEE COSTS	Total Cost
Sewer	False Bay TrunkSewer (Knoxville)	18" Sewer	GMP from Contractor	\$1,179,342	\$117,934	\$200,488			\$1,497,764
Sewer	False Bay TrunkSewer (Littlefield)	48" Steel Casing for Sewer	GMP from Contractor	\$1,220,717	\$122,072	\$207,522			\$1,550,310
						Total Street Fees		\$5,629	\$5,629
						Total False Bay Sewer			\$3,053,703

Category	System	System Description	Basis of Estimate	Construction Cost	Construction Contingency (10%)	27% of Construction Cost for SANDAG Project Management, Design, Plan Review, and Construction Management (Excludes Contingency)	ROW COSTS	STREETFEE COSTS	Total Cost
Water	W21.1 (ANNA AVE)	12" Water System	GMP from Contractor	\$310,726	\$31,073	\$83,896			\$425,695
Water	W23.1	10" Water System	GMP from Contractor	\$115,684	\$11,568	\$31,235			\$158,487
Water	W35.1	8" Water System	GMP from Contractor	\$70,766	\$7,077	\$19,107			\$96,950
Water	W37.2	Abandon 20" Water	GMP from Contractor	\$32,334	\$3,233	\$8,730			\$44,298
Water	W37.3	Abandon 12" Water	GMP from Contractor	\$22,565	\$2,256	\$6,092			\$30,914
						Total Street Fees		\$1,397	\$1,397
						Total General Water			\$757,741
Total Sewer and Water									\$5,189,037

**AMENDMENT 1 TO SANDAG CONTRACT NUMBER 5004566
WET UTILITY REIMBURSEMENT AGREEMENT BETWEEN
THE SAN DIEGO ASSOCIATION OF GOVERNMENTS
AND
CITY OF SAN DIEGO
REGARDING THE ELVIRA TO MORENA DOUBLE TRACK PROJECT**

This Amendment No. 1 to SANDAG Contract No. 5004566 concerns a Wet Utility Reimbursement Agreement by and between the San Diego Association of Governments (hereinafter referred to as "SANDAG"), 401 B Street, Suite 800, San Diego, California, and the City of San Diego, hereinafter called "CITY":

- A. Under the original Wet Utility Reimbursement Agreement dated 09/22/2015, SANDAG shall relocate CITY's water and sewer facilities as shown on SANDAG's contract plans for the improvements related to the Elvira to Morena Double Track Project, which constructs an adjacent second mainline track and proposes to construct a universal crossover and new signal at CP Rose, hereinafter called "PROJECT".
- B. This Amendment No. 1 is to modify the scope of work for the water line designated as W48.2 to extend the line, include a bypass of the pressure reducing station adjacent to Balboa Avenue, revise facilities W37.6, W48.2, W55.2, and W58.1 from DIP to PVC, and revise the construction costs for all facilities based on the actual proposal from the contractor. Nothing in this Amendment 1 is intended to relieve the parties of their obligations to perform as required by the said agreement unless expressly stated herein.
- C. This Amendment No. 1 increases the Agreement value by \$2,174,369 thus bringing the new Agreement value to \$11,304,697.

NOW, THEREFORE, it is agreed as follows:

- 1. Section I of the Wet Utility Reimbursement Agreement under the heading "WORK TO BE DONE" shall be amended to instead read as follows:

SANDAG shall relocate CITY's water and sewer facilities as shown in Exhibit A-1 ("RELOCATION") and in accordance with SANDAG's plans for such relocation, which by this reference are made a part hereof.

- 2. Section V of the Wet Utility Reimbursement Agreement under the heading "PAYMENT OF WORK" shall be amended to instead read as follows:

CITY shall be responsible for the cost of the relocation of sewer facilities as shown in Exhibit A-1 in the amount not to exceed \$646,786, which consists of the sum of the CONSTRUCTION COST and SUPPLEMENTAL COST as set forth in Exhibit B-1, which is attached hereto and incorporated herein by reference, as well as the ROW and Street Fees. CONSTRUCTION COST is the actual reasonable third party construction cost incurred by SANDAG for the RELOCATION work, betterment cost pursuant to Article IV, if any, and any approved CHANGE ORDERS. SUPPLEMENTAL COST consists of project management, design, plan review, construction management, and related costs incurred by SANDAG and shall be equal to twenty-seven percent (27%) of the CONSTRUCTION COST. ROW and Street Fees shall be eligible for direct cost reimbursement.

CITY shall be responsible for the cost of the relocation of water facilities as shown in Exhibit A-1 in the amount not to exceed \$10,657,911, which consists of the sum of the CONSTRUCTION COST and SUPPLEMENTAL COST as set forth in Exhibit B-1, which is attached hereto and incorporated herein by

reference, as well as the ROW and Street Fees. CONSTRUCTION COST is the actual reasonable third party construction cost incurred by SANDAG for the RELOCATION work, betterment cost pursuant to Article IV, if any, and any approved CHANGE ORDERS. SUPPLEMENTAL COST consists of project management, design, plan review, construction management, and related costs incurred by SANDAG and shall be equal to twenty-seven percent (27%) of the CONSTRUCTION COST. ROW and Street Fees shall be eligible for direct cost reimbursement.

3. DELETE Exhibit A in its entirety and REPLACE with Exhibit A-1.
4. DELETE Exhibit B (CONSTRUCTION COST and SUPPLEMENTAL COST) in its entirety and REPLACE with Exhibit B-1 (CONSTRUCTION COST and SUPPLEMENTAL COST).
5. All other provisions of said Wet Utility Reimbursement Agreement not amended herein, shall remain in full force and effect. Any modification to this agreement shall be made by written amendment and agreed upon by both parties.
6. This Amendment No. 1 may be executed and delivered by facsimile signature and a facsimile signature shall be treated as an original. This Amendment No. 1 may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same Amendment.

IN WITNESS WHEREOF, these parties have executed this Amendment 1 effective on the date of the last Party to sign.

SANDIEGO ASSOCIATION
OF GOVERNMENTS

CITY OF SAN DIEGO

GARY L. GALLEGOS
Executive Director

Cindy Crocker
Principal Contracts Specialist
Public Works Contracts

DATE: _____

DATE: _____

APPROVED AS TO SUFFICIENCY
OF FORM AND LEGALITY:

APPROVED AS TO SUFFICIENCY OF FORM:

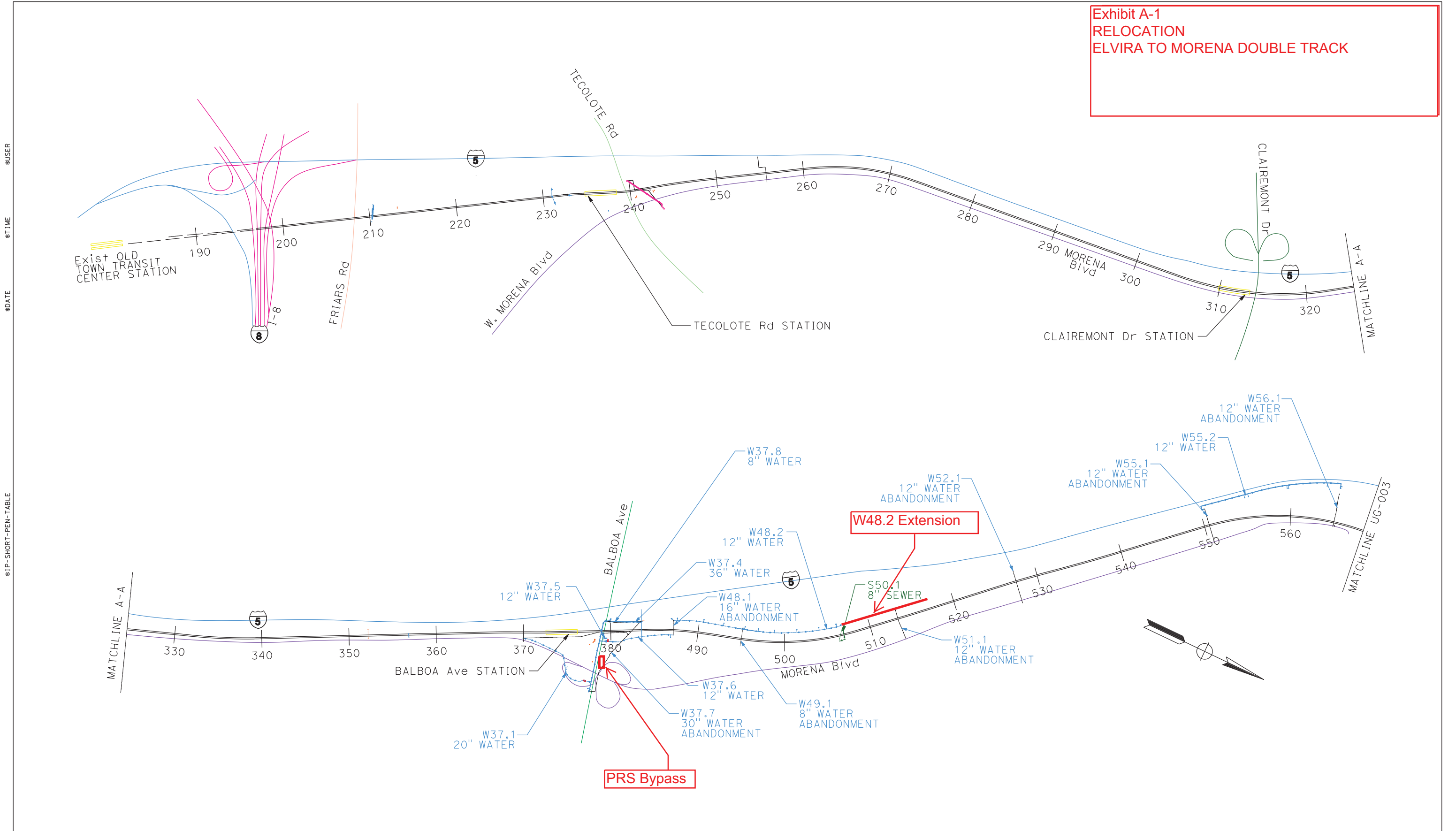
Office of the General Counsel

Deputy City Attorney
Christine Leone

DATE: _____

DATE: _____

Exhibit A-1
RELOCATION
ELVIRA TO MORENA DOUBLE TRACK




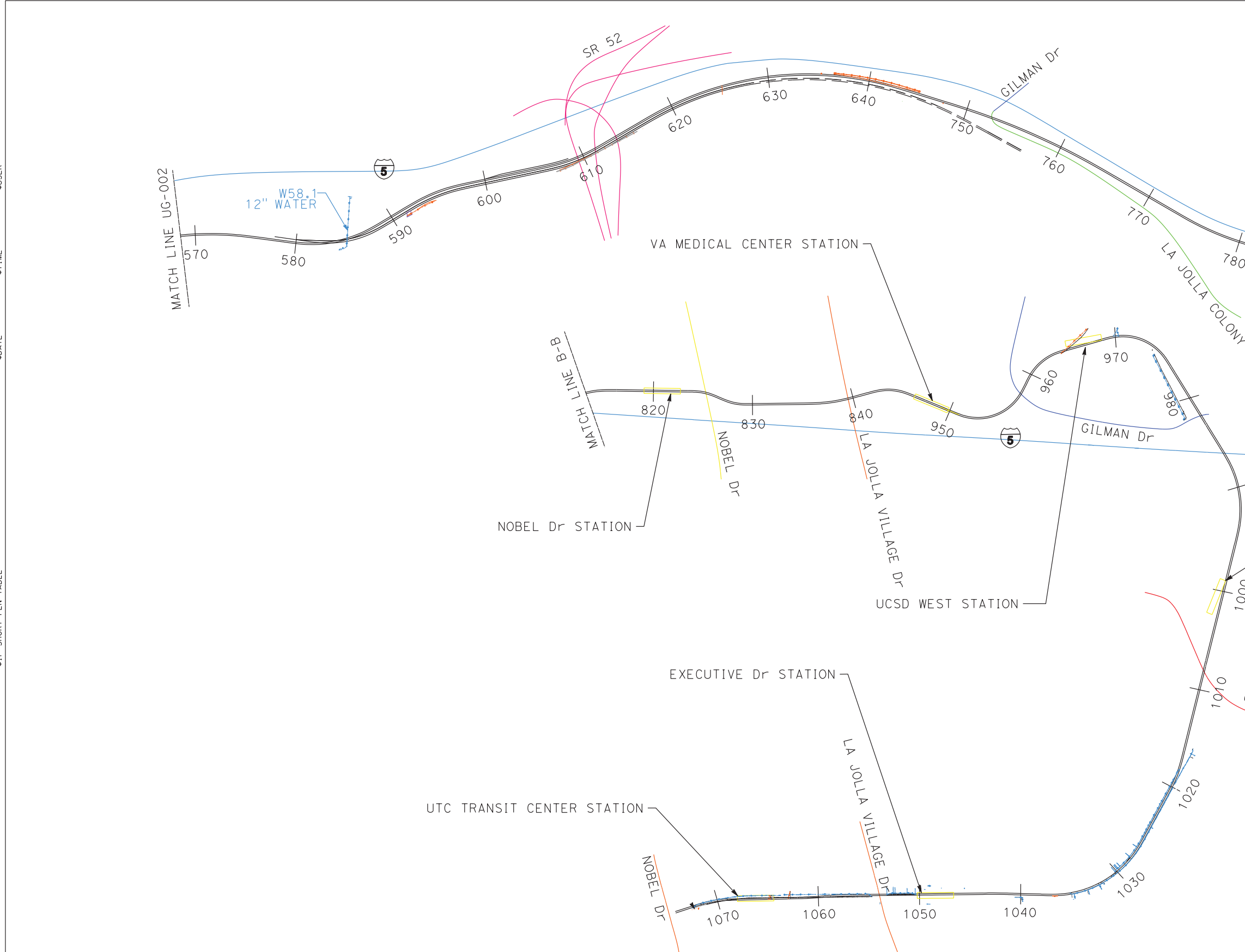
REQUEST							<div>PARSONS BRINCKERHOFF</div> <div>401 B STREET, SUITE 1650 SAN DIEGO, CA 92101 TEL (619) 338-9376 FAX (619) 338-8123</div>	<div>REGISTERED PROFESSIONAL ENGINEER</div> <div>No. _____</div> <div>Exp. _____</div> <div>CIVIL ENGINEER</div> <div>STATE OF CALIFORNIA</div>	DESIGNED BY	DATE	<div>SANDAG</div> <div>401 B STREET, SUITE 800 SAN DIEGO, CA 92101-4231 (619) 699-1900</div>	<div></div> <div>MID-COAST CORRIDOR TRANSIT PROJECT</div>	ELVIRA TO MORENA DOUBLE TRACK		SCALE NO SCALE	
									EXHIBIT B				SANDAG CONTRACT NO. 5001904			
									UTILITY RELOCATIONS KEY MAP 1 OF 2				DRAWING NO. SHEET NO.			
	No.	DATE	REVISION	BY	CHK	APRV			RELATIVE BORDER SCALE 1S IN INCHES	<div><div>0</div><div>1</div><div>2</div></div>					SANDAG	

Exhibit A-1
RELOCATION
ELVIRA TO MORENA DOUBLE TRACK



						<div><div>PARSONS BRINCKERHOFF</div><div>401 B STREET, SUITE 1650 SAN DIEGO, CA 92101 TEL (619) 338-9376 FAX (619) 338-8123</div></div>	<div><div>REGISTERED PROFESSIONAL ENGINEER</div><div>No. _____</div><div>Exp. _____</div><div>STATE OF CALIFORNIA</div></div>	DESIGNED BY	DATE	<div><div>SANDAG</div><div>401 B STREET, SUITE 800 SAN DIEGO, CA 92101-4231 (619) 699-1900</div></div> <div><div>MID-COAST CORRIDOR TRANSIT PROJECT</div></div>	ELVIRA TO MORENA DOUBLE TRACK EXHIBIT B		SCALE NO SCALE		
											SANDAG CONTRACT NO. 5001904				
													DRAWING NO. SHEET NO.		
No.	DATE	REVISION	BY	CHK	APRV	RELATIVE BORDER SCALE IS IN INCHES	<div><div>0</div><div>1</div><div>2</div></div>	SANDAG				UTILITY RELOCATIONS KEY MAP 2 OF 2			

Exhibit B-1 - CONSTRUCTION COST AND SUPPLEMENTALCOST (Elvira to Morena Double Track Project)

Category	System	System Description	Basis of Estimate	Construction Cost		Reduction from Conv. From DIP to PVC	Updated Construction Cost	Construction Contingency (10%)	27% of Construction Cost for SANDAG Project Management, Design, Plan Review, Construction Management (Excludes Contingency)	ROW Fees	Street Fees	Total Cost
Sewer	S50.1	8" PVC in 30" WSP Casing	GMP from Contractor	\$391,878			\$391,878	\$39,188	\$105,807	\$98,686		\$635,559
									Sewer Street Fees		\$11,227	\$11,227
									Total Sewer			\$646,786

Category	System	System Description	Basis of Estimate	Construction Cost	Add Interior Weld	Reduction from Conv. From DIP to PVC	Updated Construction Cost	Construction Contingency (10%)	27% of Construction Cost for SANDAG Project Management, Design, Plan Review, Construction Management (Excludes Contingency)		ROW or Street Fees	Total Cost
Water	W37.1	20" PVC	Guaranteed Maximum Price (GMP) from Contractor	\$1,014,498			\$1,014,498	\$101,450	\$273,915			\$1,389,863
Water	W37.4	30" & 36" CMP	GMP from Contractor	\$2,531,458	\$106,865		\$2,638,323	\$263,832	\$712,347			\$3,614,502
Water	W37.5	12" DIP	GMP from Contractor	\$374,365			\$374,365	\$37,437	\$101,079			\$512,881
Water	W37.6	12" PVC	GMP from Contractor	\$481,657		-\$25,117	\$456,540	\$45,654	\$123,266			\$625,460
Water	W37.7	30" CMP&CS	GMP from Contractor	\$40,476			\$40,476	\$4,048	\$10,929			\$55,453
Water	W37.8	Abandonment	GMP from Contractor	\$281,929			\$281,929	\$28,193	\$76,121			\$386,243
Water	W48.1	Abandonment	GMP from Contractor	\$22,703			\$22,703	\$2,270	\$6,130			\$31,103
Water	W48.2	12" PVC	GMP from Contractor	\$999,752		-\$57,876	\$941,876	\$94,188	\$254,306			\$1,290,370
Water	W49.1	Abandonment	GMP from Contractor	\$22,703			\$22,703	\$2,270	\$6,130			\$31,103
Water	W51.1	Abandonment	GMP from Contractor	\$22,703			\$22,703	\$2,270	\$6,130			\$31,103
Water	W52.1	Abandonment	GMP from Contractor	\$22,703			\$22,703	\$2,270	\$6,130			\$31,103
Water	W55.1	Abandonment	GMP from Contractor	\$22,703			\$22,703	\$2,270	\$6,130			\$31,103
Water	W55.2	12" PVC	GMP from Contractor	\$1,001,535		-\$50,613	\$950,923	\$95,092	\$256,749			\$1,302,764
Water	W56.1	Abandonment	GMP from Contractor	\$22,703			\$22,703	\$2,270	\$6,130			\$31,103
Water	W58.1	12" PVC	GMP from Contractor	\$566,317		-\$16,394	\$549,922	\$54,992	\$148,479	\$43,600		\$796,994
Water	Extension of W48.2	12" PVC	GMP from Contractor	\$90,000			\$90,000	\$9,000	\$24,300			\$123,300
Water	Balboa Bypass	Bypass of PRS at Balboa	Draft OPCC	\$140,000			\$140,000	\$14,000	\$37,800			\$191,800
Water	PRS near Costco	PRS	Funded by MCTC				\$0	\$0	\$0			\$0
									Water Street Fees		\$181,667	\$181,667
									Total Water			\$10,657,911

Total Sewer and Water	\$11,304,697
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June 2, 2017

Mitigated Negative Declaration (MND) Documents

Addendum to Mitigated Negative Declaration:

- No. 255100 Sch. 2011091045 approved April 9, 2015. Project No. 4 01591

To view these documents electronically, please contact Jesus Garcia: JesusG@sanidiego.gov

ELVIRA TO MORENA DOUBLE TRACKING PIPELINE RELOCATION
PROJECT NO. 401591
ADDENDUM to MITIGATED NEGATIVE DECLARATION No. 255100 (SCH No. 2011091045)
AND MMRP
ADOPTED ON JULY 14, 2015

WHEREAS, on December 10, 2014 the San Diego Association of Governments (SANDAG) – Mobility Management and Project Implementation Department submitted an application to the Development Services Department for the Elvira to Morena Double Tracking Pipeline Relocation Project (PROJECT); and

WHEREAS, the matter was considered without a public hearing by the Director of the Planning Department as designated by the City Manager of the City of San Diego; and

WHEREAS, the issue was heard by the Director of the Planning Department as designated by the City Manager on July 14, 2015; and

WHEREAS, the Director of the Planning Department as designated by the City Manager considered the issues discussed in Addendum No. 401591 to Mitigation Negative Declaration No. 255100 (Declaration) prepared for this Project; NOW THEREFORE,

BE IT RESOLVED, by the Director of the Planning Department as designated by the City Manager that it is certified that the Declaration has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Declaration, together with any comments received during the public review process, has been reviewed and considered by the Director of the Planning Department as designated by the City Manager in connection with the approval of the Project.

BE IT FURTHER RESOLVED, that the Director of the Planning Department as designated by the City Manager finds on the basis of the entire record that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study, that there is no substantial evidence that the Project will have a significant effect on the environment, and therefore, that said Declaration is hereby adopted.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the Director of the Planning Department as designated by the City Manager hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by the Director of the Planning Department as designated by the City Manager in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that the Declaration and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the PLANNING DEPARTMENT, 1222 FIRST AVENUE, SAN DIEGO, CA 92101 OR CITY CLERK, 202 C STREET, SAN DIEGO, CA 92101.

BE IT FURTHER RESOLVED, that PLANNING DEPARTMENT STAFF is directed to file a Subsequent Action Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

APPROVED: ~~Tom Tomlinson~~, Interim Director – Planning Department

By:  _____

Date: July 14, 2015

ATTACHMENT: Exhibit A, Mitigation Monitoring and Reporting Program

ATTACHMENT A
MITIGATION, MONITORING, AND REPORTING PROGRAM
ELVIRA TO MORENA DOUBLE TRACKING PIPELINE RELOCATION
PROJECT NO. 401591

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with AB 3180 (1989) during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. SANDAG Mobility Management and Project Implementation Department and the City of San Diego Planning Department are jointly responsible for ensuring that this program is carried out.

A. GENERAL REQUIREMENTS – PART I

Plan Check Phase (prior to permit issuance)

1. Prior to issuance of any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.
2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of the project(s) are included VERBATIM, under the heading, "ENVIRONMENTAL/MITIGATION REQUIREMENTS."
3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:

<http://www.sandiego.gov/development-services/industry/standtemp.shtml>
4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.

B. GENERAL REQUIREMENTS – PART II

Post Plan Check (After permit issuance/Prior to start of construction)

1. **PRE CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent and the following consultants:

Archaeological Consultants and Native American Monitor
Paleontological Consultants/Monitor

Note: Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.

CONTACT INFORMATION:

- a) The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division (858) 627-3200**
- b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call **RE and MMC at (858)627-3360**

2. **MMRP COMPLIANCE:** This **Project No. 401591** shall conform to the mitigation requirements contained in the associated Construction Plans and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc.

Note:

Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.

3. **OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency.

None required for this project

4. **MONITORING EXHIBITS.** All consultants are required to submit, to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.
5. **OTHER SUBMITTALS AND INSPECTIONS:** The Permit Holder/Owner's representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

Document Submittal/Inspection Checklist

[List all and only project specific required verification documents and related inspections table below]

<i>Issue Area</i>	<i>Document submittal</i>	<i>Assoc Inspection/Approvals/Notes</i>
<i>General</i>	<i>Consultant Qualification Letters</i>	<i>Prior to Pre-construction Meeting</i>
<i>General</i>	<i>Consultant Const. Monitoring Exhibits</i>	<i>Prior to/at Pre-Construction Mtg</i>
<i>Archaeology</i>	<i>Archaeology Reports</i>	<i>Archaeology site observation</i>
<i>Paleontology</i>	<i>Paleontology Reports</i>	<i>Paleontology site observation</i>
<i>Final MMRP</i>	<i>Final monitoring reports</i>	<i>Final MMRP inspection</i>

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

PALEONTOLOGICAL RESOURCES

I. Prior to Permit Issuance or Bid Opening/Bid Award

A. Entitlements Plan Check

1. Prior to permit issuance or Bid Opening/Bid Award, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. Prior to Bid Award, the applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Acknowledgement of Responsibility for Curation (CIP or Other Public Projects)
The applicant shall submit a letter to MMC acknowledging their responsibility for the cost of curation associated with all phases of the paleontological monitoring program.
3. Identify Areas to be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC for approval identifying the areas to be monitored including the delineation of grading/excavation limits. Monitoring shall begin at depths below 10 feet from existing grade or as determined by the PI in consultation with MMC. The determination shall be based on site specific records

- search data which supports monitoring at depths less than ten feet.
- b. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
 - c. MMC shall notify the PI that the PME has been approved.
4. When Monitoring Will Occur
- a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.
5. Approval of PME and Construction Schedule
- After approval of the PME by MMC, the PI shall submit to MMC written authorization of the PME and Construction Schedule from the CM.

III. During Construction

- A. Monitor Shall be Present During Grading/Excavation/Trenching
1. The monitor shall be present full-time during grading/excavation/trenching activities including, but not limited to mainline, laterals, jacking and receiving pits, services and all other appurtenances associated with underground utilities as identified on the PME that could result in impacts to formations with high and/or moderate resource sensitivity. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the PME.**
 2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
 3. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
- B. Discovery Notification Process
1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
 2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
 3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
- C. Determination of Significance
1. The PI shall evaluate the significance of the resource.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.

- b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval of the program from MMC, MC and/or RE. PRP and any mitigation must be approved by MMC, RE and/or CM before ground disturbing activities in the area of discovery will be allowed to resume.
 - (1). Note: For pipeline trenching projects only, the PI shall implement the Discovery Process for Pipeline Trenching projects identified below under "D."
 - c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
 - d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.
 - (1). Note: For Pipeline Trenching Projects Only. If the fossil discovery is limited in size, both in length and depth; the information value is limited and there are no unique fossil features associated with the discovery area, then the discovery should be considered not significant.
 - (2). Note, for Pipeline Trenching Projects Only: If significance can not be determined, the Final Monitoring Report and Site Record shall identify the discovery as Potentially Significant.
- D. Discovery Process for Significant Resources - Pipeline Trenching Projects

The following procedure constitutes adequate mitigation of a significant discovery encountered during pipeline trenching activities including but not limited to excavation for jacking pits, receiving pits, laterals, and manholes to reduce impacts to below a level of significance.

 - 1. Procedures for documentation, curation and reporting
 - a. One hundred percent of the fossil resources within the trench alignment and width shall be documented in-situ photographically, drawn in plan view (trench and profiles of side walls), recovered from the trench and photographed after cleaning, then analyzed and curated consistent with Society of Invertebrate Paleontology Standards. The remainder of the deposit within the limits of excavation (trench walls) shall be left intact and so documented.
 - b. The PI shall prepare a Draft Monitoring Report and submit to MMC via the RE as indicated in Section VI-A.
 - c. The PI shall be responsible for recording (on the appropriate forms for the San Diego Natural History Museum) the resource(s) encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines. The forms shall be submitted to the San Diego Natural History Museum and included in the Final Monitoring Report.
 - d. The Final Monitoring Report shall include a recommendation for monitoring of any future work in the vicinity of the resource.

IV. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
 - 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 - 2. The following procedures shall be followed.
 - a. No Discoveries

In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSV and submit to MMC via the RE via fax by 8AM on the next business day.

- b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.
 - c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
 - d. The PI shall immediately contact the RE and MMC, or by 8AM on the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night and/or weekend work becomes necessary during the course of construction
- 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 - 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

V. Post Construction

- A. Preparation and Submittal of Draft Monitoring Report
- 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC via the RE for review and approval within 90 days following the completion of monitoring.
 - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program or Pipeline Trenching Discovery Process shall be included in the Draft Monitoring Report.
 - b. Recording Sites with the San Diego Natural History Museum
The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
 - 2. MMC shall return the Draft Monitoring Report to the PI via the RE for revision or, for preparation of the Final Report.
 - 3. The PI shall submit revised Draft Monitoring Report to MMC via the RE for approval.
 - 4. MMC shall provide written verification to the PI of the approved report.
 - 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Fossil Remains
- 1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
- C. Curation of artifacts: Deed of Gift and Acceptance Verification
- 1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
 - 2. The PI shall submit the Deed of Gift and catalogue record(s) to the RE or BI, as appropriate for donor signature with a copy submitted to MMC.
 - 3. The RE or BI, as appropriate shall obtain signature on the Deed of Gift and shall return to PI with copy submitted to MMC.

4. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC of the approved report.
 2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

HISTORICAL RESOURCES (ARCHAEOLOGY)

I. Prior to Permit Issuance or Bid Opening/Bid Award

A. Entitlements Plan Check

1. Prior to permit issuance or Bid Opening/Bid Award, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the applicable construction documents through the plan check process.

B. Letters of Qualification have been submitted to ADD

1. Prior to Bid Award, the applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG.
3. Prior to the start of work, the applicant must obtain written approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the 1/4 mile radius.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.

- a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Acknowledgement of Responsibility for Curation (CIP or Other Public Projects)
The applicant shall submit a letter to MMC acknowledging their responsibility for the cost of curation associated with all phases of the archaeological monitoring program.
3. Identify Areas to be Monitored
 - b. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
 - c. The AME shall be based on the results of a site specific records search as well as information regarding the age of existing pipelines, laterals and associated appurtenances and/or any known soil conditions (native or formation).
 - d. MMC shall notify the PI that the AME has been approved.
4. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as age of existing pipe to be replaced, depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.
5. Approval of AME and Construction Schedule
After approval of the AME by MMC, the PI shall submit to MMC written authorization of the AME and Construction Schedule from the CM.

III. During Construction

- A. Monitor Shall be Present During Grading/Excavation/Trenching
 1. The Archaeological Monitor shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.**
 2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.
 3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.

4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSVSR). The CSVSR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
- B. Discovery Notification Process
1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate.
 2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
 3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
 4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.
- C. Determination of Significance
1. The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval of the program from MMC, CM and RE. ADRP and any mitigation must be approved by MMC, RE and/or CM before ground disturbing activities in the area of discovery will be allowed to resume. **Note: If a unique archaeological site is also an historical resource as defined in CEQA Section 15064.5, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.**
 - (1). Note: For pipeline trenching and other linear projects in the public Right-of-Way, the PI shall implement the Discovery Process for Pipeline Trenching projects identified below under "D."
 - c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.
 - (1). Note: For Pipeline Trenching and other linear projects in the public Right-of-Way, if the deposit is limited in size, both in length and depth; the information value is limited and is not associated with any other resource; and there are no unique features/artifacts associated with the deposit, the discovery should be considered not significant.
 - (2). Note, for Pipeline Trenching and other linear projects in the public Right-of-Way, if significance can not be determined, the Final Monitoring Report and Site Record (DPR Form 523A/B) shall identify the discovery as Potentially Significant.

D. Discovery Process for Significant Resources - Pipeline Trenching and other Linear Projects in the Public Right-of-Way

The following procedure constitutes adequate mitigation of a significant discovery encountered during pipeline trenching activities or for other linear project types within the Public Right-of-Way including but not limited to excavation for jacking pits, receiving pits, laterals, and manholes to reduce impacts to below a level of significance:

1. Procedures for documentation, curation and reporting
 - a. One hundred percent of the artifacts within the trench alignment and width shall be documented in-situ, to include photographic records, plan view of the trench and profiles of side walls, recovered, photographed after cleaning and analyzed and curated. The remainder of the deposit within the limits of excavation (trench walls) shall be left intact.
 - b. The PI shall prepare a Draft Monitoring Report and submit to MMC via the RE as indicated in Section VI-A.
 - c. The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) the resource(s) encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines. The DPR forms shall be submitted to the South Coastal Information Center for either a Primary Record or SDI Number and included in the Final Monitoring Report.
 - d. The Final Monitoring Report shall include a recommendation for monitoring of any future work in the vicinity of the resource.

IV. Discovery of Human Remains

If human remains are discovered, work shall halt in that area and no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains; and the following procedures as set forth in CEQA Section 15064.5(e), the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

- A. Notification
 1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS) of the Development Services Department to assist with the discovery notification process.
 2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.
- B. Isolate discovery site
 1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenience of the remains.
 2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenience.
 3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.
- C. If Human Remains **ARE** determined to be Native American
 1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.
 2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.

3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.
4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission, OR;
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, THEN
 - c. To protect these sites, the landowner shall do one or more of the following:
 - (1) Record the site with the NAHC;
 - (2) Record an open space or conservation easement; or
 - (3) Record a document with the County.
 - d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and items associated and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.
- D. If Human Remains are **NOT** Native American
 1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
 2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
 3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner, any known descendant group, and the San Diego Museum of Man.

V. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 2. The following procedures shall be followed.
 - a. No Discoveries
In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSVr and submit to MMC via fax by 8AM of the next business day.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV – Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.

- c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction and IV-Discovery of Human Remains shall be followed.
- d. The PI shall immediately contact the RE and MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night and/or weekend work becomes necessary during the course of construction
 - 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 - 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

VI. Post Construction

A. Submittal of Draft Monitoring Report

- 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC via the RE for review and approval within 90 days following the completion of monitoring. **It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe as a result of delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.**
 - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program or Pipeline Trenching Discovery Process shall be included in the Draft Monitoring Report.
 - b. Recording Sites with State of California Department of Parks and Recreation
The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.
- 2. MMC shall return the Draft Monitoring Report to the PI via the RE for revision or, for preparation of the Final Report.
- 3. The PI shall submit revised Draft Monitoring Report to MMC via the RE for approval.
- 4. MMC shall provide written verification to the PI of the approved report.
- 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Artifacts

- 1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
- 2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.

C. Curation of artifacts: Accession Agreement and Acceptance Verification

- 1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate

institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.

2. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection C.
 3. The PI shall submit the Accession Agreement and catalogue record(s) to the RE or BI, as appropriate for donor signature with a copy submitted to MMC.
 4. The RE or BI, as appropriate shall obtain signature on the Accession Agreement and shall return to PI with copy submitted to MMC.
 5. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC of the approved report.
 2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

ELVIRA TO MORENA DOUBLE TRACKING PIPELINE RELOCATION
PROJECT NO. 401591
ADDENDUM to MITIGATED NEGATIVE DECLARATION No. 255100 (SCH No. 2011091045)
AND MMRP
ADOPTED ON JULY 14, 2015

WHEREAS, on December 10, 2014 the San Diego Association of Governments (SANDAG) – Mobility Management and Project Implementation Department submitted an application to the Development Services Department for the Elvira to Morena Double Tracking Pipeline Relocation Project (PROJECT); and

WHEREAS, the matter was considered without a public hearing by the Director of the Planning Department as designated by the City Manager of the City of San Diego; and

WHEREAS, the issue was heard by the Director of the Planning Department as designated by the City Manager on July 14, 2015; and

WHEREAS, the Director of the Planning Department as designated by the City Manager considered the issues discussed in Addendum No. 401591 to Mitigation Negative Declaration No. 255100 (Declaration) prepared for this Project; NOW THEREFORE,

BE IT RESOLVED, by the Director of the Planning Department as designated by the City Manager that it is certified that the Declaration has been completed in compliance with the California Environmental Quality Act of 1970 (CEQA) (Public Resources Code Section 21000 et seq.), as amended, and the State CEQA Guidelines thereto (California Code of Regulations, Title 14, Chapter 3, Section 15000 et seq.), that the Declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said Declaration, together with any comments received during the public review process, has been reviewed and considered by the Director of the Planning Department as designated by the City Manager in connection with the approval of the Project.

BE IT FURTHER RESOLVED, that the Director of the Planning Department as designated by the City Manager finds on the basis of the entire record that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study, that there is no substantial evidence that the Project will have a significant effect on the environment, and therefore, that said Declaration is hereby adopted.

BE IT FURTHER RESOLVED, that pursuant to CEQA Section 21081.6, the Director of the Planning Department as designated by the City Manager hereby adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the Project as required by the Director of the Planning Department as designated by the City Manager in order to mitigate or avoid significant effects on the environment, which is attached hereto as Exhibit A.

BE IT FURTHER RESOLVED, that the Declaration and other documents constituting the record of proceedings upon which the approval is based are available to the public at the office of the PLANNING DEPARTMENT, 1222 FIRST AVENUE, SAN DIEGO, CA 92101 OR CITY CLERK, 202 C STREET, SAN DIEGO, CA 92101.

BE IT FURTHER RESOLVED, that PLANNING DEPARTMENT STAFF is directed to file a Subsequent Action Notice of Determination with the Clerk of the Board of Supervisors for the County of San Diego regarding the Project.

APPROVED: ~~Tom Tomlinson~~, Interim Director – Planning Department

By:  _____

Date: July 14, 2015

ATTACHMENT: Exhibit A, Mitigation Monitoring and Reporting Program

ATTACHMENT A
MITIGATION, MONITORING, AND REPORTING PROGRAM
ELVIRA TO MORENA DOUBLE TRACKING PIPELINE RELOCATION
PROJECT NO. 401591

This Mitigation Monitoring and Reporting Program is designed to ensure compliance with AB 3180 (1989) during implementation of mitigation measures. This program identifies at a minimum: the department responsible for the monitoring, what is to be monitored, how the monitoring shall be accomplished, the monitoring and reporting schedule, and completion requirements. SANDAG Mobility Management and Project Implementation Department and the City of San Diego Planning Department are jointly responsible for ensuring that this program is carried out.

A. GENERAL REQUIREMENTS – PART I

Plan Check Phase (prior to permit issuance)

1. Prior to issuance of any construction permits, such as Demolition, Grading or Building, or beginning any construction related activity on-site, the Development Services Department (DSD) Director's Environmental Designee (ED) shall review and approve all Construction Documents (CD), (plans, specification, details, etc.) to ensure the MMRP requirements are incorporated into the design.
2. In addition, the ED shall verify that the MMRP Conditions/Notes that apply ONLY to the construction phases of the project(s) are included VERBATIM, under the heading, "ENVIRONMENTAL/MITIGATION REQUIREMENTS."
3. These notes must be shown within the first three (3) sheets of the construction documents in the format specified for engineering construction document templates as shown on the City website:

<http://www.sandiego.gov/development-services/industry/standtemp.shtml>
4. The **TITLE INDEX SHEET** must also show on which pages the "Environmental/Mitigation Requirements" notes are provided.

B. GENERAL REQUIREMENTS – PART II

Post Plan Check (After permit issuance/Prior to start of construction)

1. **PRE CONSTRUCTION MEETING IS REQUIRED TEN (10) WORKING DAYS PRIOR TO BEGINNING ANY WORK ON THIS PROJECT.** The PERMIT HOLDER/OWNER is responsible to arrange and perform this meeting by contacting the CITY RESIDENT ENGINEER (RE) of the Field Engineering Division and City staff from MITIGATION MONITORING COORDINATION (MMC). Attendees must also include the Permit holder's Representative(s), Job Site Superintendent and the following consultants:

Archaeological Consultants and Native American Monitor
Paleontological Consultants/Monitor

Note: Failure of all responsible Permit Holder's representatives and consultants to attend shall require an additional meeting with all parties present.

CONTACT INFORMATION:

- a) The PRIMARY POINT OF CONTACT is the **RE** at the **Field Engineering Division (858) 627-3200**
- b) For Clarification of ENVIRONMENTAL REQUIREMENTS, it is also required to call **RE and MMC at (858)627-3360**

2. **MMRP COMPLIANCE:** This **Project No. 401591** shall conform to the mitigation requirements contained in the associated Construction Plans and implemented to the satisfaction of the DSD's Environmental Designee (MMC) and the City Engineer (RE). The requirements may not be reduced or changed but may be annotated (i.e. to explain when and how compliance is being met and location of verifying proof, etc.). Additional clarifying information may also be added to other relevant plan sheets and/or specifications as appropriate (i.e., specific locations, times of monitoring, methodology, etc.

Note:

Permit Holder's Representatives must alert RE and MMC if there are any discrepancies in the plans or notes, or any changes due to field conditions. All conflicts must be approved by RE and MMC BEFORE the work is performed.

3. **OTHER AGENCY REQUIREMENTS:** Evidence of compliance with all other agency requirements or permits shall be submitted to the RE and MMC for review and acceptance prior to the beginning of work or within one week of the Permit Holder obtaining documentation of those permits or requirements. Evidence shall include copies of permits, letters of resolution or other documentation issued by the responsible agency.

None required for this project

4. **MONITORING EXHIBITS.** All consultants are required to submit, to RE and MMC, a monitoring exhibit on a 11x17 reduction of the appropriate construction plan, such as site plan, grading, landscape, etc., marked to clearly show the specific areas including the **LIMIT OF WORK**, scope of that discipline's work, and notes indicating when in the construction schedule that work will be performed. When necessary for clarification, a detailed methodology of how the work will be performed shall be included.
5. **OTHER SUBMITTALS AND INSPECTIONS:** The Permit Holder/Owner's representative shall submit all required documentation, verification letters, and requests for all associated inspections to the RE and MMC for approval per the following schedule:

Document Submittal/Inspection Checklist

[List all and only project specific required verification documents and related inspections table below]

<i>Issue Area</i>	<i>Document submittal</i>	<i>Assoc Inspection/Approvals/Notes</i>
<i>General</i>	<i>Consultant Qualification Letters</i>	<i>Prior to Pre-construction Meeting</i>
<i>General</i>	<i>Consultant Const. Monitoring Exhibits</i>	<i>Prior to/at Pre-Construction Mtg</i>
<i>Archaeology</i>	<i>Archaeology Reports</i>	<i>Archaeology site observation</i>
<i>Paleontology</i>	<i>Paleontology Reports</i>	<i>Paleontology site observation</i>
<i>Final MMRP</i>	<i>Final monitoring reports</i>	<i>Final MMRP inspection</i>

C. SPECIFIC MMRP ISSUE AREA CONDITIONS/REQUIREMENTS

PALEONTOLOGICAL RESOURCES

I. Prior to Permit Issuance or Bid Opening/Bid Award

A. Entitlements Plan Check

1. Prior to permit issuance or Bid Opening/Bid Award, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Paleontological Monitoring have been noted on the appropriate construction documents.

B. Letters of Qualification have been submitted to ADD

1. Prior to Bid Award, the applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the paleontological monitoring program, as defined in the City of San Diego Paleontology Guidelines.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the paleontological monitoring of the project.
3. Prior to the start of work, the applicant shall obtain approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search has been completed. Verification includes, but is not limited to a copy of a confirmation letter from San Diego Natural History Museum, other institution or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring, the Applicant shall arrange a Precon Meeting that shall include the PI, Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified paleontologist shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Paleontological Monitoring program with the Construction Manager and/or Grading Contractor.
 - a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Acknowledgement of Responsibility for Curation (CIP or Other Public Projects)
The applicant shall submit a letter to MMC acknowledging their responsibility for the cost of curation associated with all phases of the paleontological monitoring program.
3. Identify Areas to be Monitored
 - a. Prior to the start of any work that requires monitoring, the PI shall submit a Paleontological Monitoring Exhibit (PME) based on the appropriate construction documents (reduced to 11x17) to MMC for approval identifying the areas to be monitored including the delineation of grading/excavation limits. Monitoring shall begin at depths below 10 feet from existing grade or as determined by the PI in consultation with MMC. The determination shall be based on site specific records

- search data which supports monitoring at depths less than ten feet.
- b. The PME shall be based on the results of a site specific records search as well as information regarding existing known soil conditions (native or formation).
 - c. MMC shall notify the PI that the PME has been approved.
4. When Monitoring Will Occur
- a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as depth of excavation and/or site graded to bedrock, presence or absence of fossil resources, etc., which may reduce or increase the potential for resources to be present.
5. Approval of PME and Construction Schedule
- After approval of the PME by MMC, the PI shall submit to MMC written authorization of the PME and Construction Schedule from the CM.

III. During Construction

- A. Monitor Shall be Present During Grading/Excavation/Trenching
1. The monitor shall be present full-time during grading/excavation/trenching activities including, but not limited to mainline, laterals, jacking and receiving pits, services and all other appurtenances associated with underground utilities as identified on the PME that could result in impacts to formations with high and/or moderate resource sensitivity. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the PME.**
 2. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as trenching activities that do not encounter formational soils as previously assumed, and/or when unique/unusual fossils are encountered, which may reduce or increase the potential for resources to be present.
 3. The monitor shall document field activity via the Consultant Site Visit Record (CSVR). The CSVR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
- B. Discovery Notification Process
1. In the event of a discovery, the Paleontological Monitor shall direct the contractor to temporarily divert trenching activities in the area of discovery and immediately notify the RE or BI, as appropriate.
 2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
 3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
- C. Determination of Significance
1. The PI shall evaluate the significance of the resource.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required. The determination of significance for fossil discoveries shall be at the discretion of the PI.

- b. If the resource is significant, the PI shall submit a Paleontological Recovery Program (PRP) and obtain written approval of the program from MMC, MC and/or RE. PRP and any mitigation must be approved by MMC, RE and/or CM before ground disturbing activities in the area of discovery will be allowed to resume.
 - (1). Note: For pipeline trenching projects only, the PI shall implement the Discovery Process for Pipeline Trenching projects identified below under “D.”
 - c. If resource is not significant (e.g., small pieces of broken common shell fragments or other scattered common fossils) the PI shall notify the RE, or BI as appropriate, that a non-significant discovery has been made. The Paleontologist shall continue to monitor the area without notification to MMC unless a significant resource is encountered.
 - d. The PI shall submit a letter to MMC indicating that fossil resources will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that no further work is required.
 - (1). Note: For Pipeline Trenching Projects Only. If the fossil discovery is limited in size, both in length and depth; the information value is limited and there are no unique fossil features associated with the discovery area, then the discovery should be considered not significant.
 - (2). Note, for Pipeline Trenching Projects Only: If significance can not be determined, the Final Monitoring Report and Site Record shall identify the discovery as Potentially Significant.
- D. Discovery Process for Significant Resources - Pipeline Trenching Projects

The following procedure constitutes adequate mitigation of a significant discovery encountered during pipeline trenching activities including but not limited to excavation for jacking pits, receiving pits, laterals, and manholes to reduce impacts to below a level of significance.

 - 1. Procedures for documentation, curation and reporting
 - a. One hundred percent of the fossil resources within the trench alignment and width shall be documented in-situ photographically, drawn in plan view (trench and profiles of side walls), recovered from the trench and photographed after cleaning, then analyzed and curated consistent with Society of Invertebrate Paleontology Standards. The remainder of the deposit within the limits of excavation (trench walls) shall be left intact and so documented.
 - b. The PI shall prepare a Draft Monitoring Report and submit to MMC via the RE as indicated in Section VI-A.
 - c. The PI shall be responsible for recording (on the appropriate forms for the San Diego Natural History Museum) the resource(s) encountered during the Paleontological Monitoring Program in accordance with the City’s Paleontological Guidelines. The forms shall be submitted to the San Diego Natural History Museum and included in the Final Monitoring Report.
 - d. The Final Monitoring Report shall include a recommendation for monitoring of any future work in the vicinity of the resource.

IV. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
 - 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 - 2. The following procedures shall be followed.
 - a. No Discoveries

In the event that no discoveries were encountered during night and/or weekend work, The PI shall record the information on the CSV and submit to MMC via the RE via fax by 8AM on the next business day.

- b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction.
 - c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction shall be followed.
 - d. The PI shall immediately contact the RE and MMC, or by 8AM on the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night and/or weekend work becomes necessary during the course of construction
- 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 - 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

V. Post Construction

- A. Preparation and Submittal of Draft Monitoring Report
- 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Paleontological Guidelines which describes the results, analysis, and conclusions of all phases of the Paleontological Monitoring Program (with appropriate graphics) to MMC via the RE for review and approval within 90 days following the completion of monitoring.
 - a. For significant paleontological resources encountered during monitoring, the Paleontological Recovery Program or Pipeline Trenching Discovery Process shall be included in the Draft Monitoring Report.
 - b. Recording Sites with the San Diego Natural History Museum
The PI shall be responsible for recording (on the appropriate forms) any significant or potentially significant fossil resources encountered during the Paleontological Monitoring Program in accordance with the City's Paleontological Guidelines, and submittal of such forms to the San Diego Natural History Museum with the Final Monitoring Report.
 - 2. MMC shall return the Draft Monitoring Report to the PI via the RE for revision or, for preparation of the Final Report.
 - 3. The PI shall submit revised Draft Monitoring Report to MMC via the RE for approval.
 - 4. MMC shall provide written verification to the PI of the approved report.
 - 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.
- B. Handling of Fossil Remains
- 1. The PI shall be responsible for ensuring that all fossil remains collected are cleaned and catalogued.
- C. Curation of artifacts: Deed of Gift and Acceptance Verification
- 1. The PI shall be responsible for ensuring that all fossil remains associated with the monitoring for this project are permanently curated with an appropriate institution.
 - 2. The PI shall submit the Deed of Gift and catalogue record(s) to the RE or BI, as appropriate for donor signature with a copy submitted to MMC.
 - 3. The RE or BI, as appropriate shall obtain signature on the Deed of Gift and shall return to PI with copy submitted to MMC.

4. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
1. The PI shall submit two copies of the Final Monitoring Report to MMC (even if negative), within 90 days after notification from MMC of the approved report.
 2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

HISTORICAL RESOURCES (ARCHAEOLOGY)

I. Prior to Permit Issuance or Bid Opening/Bid Award

A. Entitlements Plan Check

1. Prior to permit issuance or Bid Opening/Bid Award, whichever is applicable, the Assistant Deputy Director (ADD) Environmental designee shall verify that the requirements for Archaeological Monitoring and Native American monitoring have been noted on the applicable construction documents through the plan check process.

B. Letters of Qualification have been submitted to ADD

1. Prior to Bid Award, the applicant shall submit a letter of verification to Mitigation Monitoring Coordination (MMC) identifying the Principal Investigator (PI) for the project and the names of all persons involved in the archaeological monitoring program, as defined in the City of San Diego Historical Resources Guidelines (HRG). If applicable, individuals involved in the archaeological monitoring program must have completed the 40-hour HAZWOPER training with certification documentation.
2. MMC will provide a letter to the applicant confirming the qualifications of the PI and all persons involved in the archaeological monitoring of the project meet the qualifications established in the HRG.
3. Prior to the start of work, the applicant must obtain written approval from MMC for any personnel changes associated with the monitoring program.

II. Prior to Start of Construction

A. Verification of Records Search

1. The PI shall provide verification to MMC that a site specific records search (1/4 mile radius) has been completed. Verification includes, but is not limited to a copy of a confirmation letter from South Coastal Information Center, or, if the search was in-house, a letter of verification from the PI stating that the search was completed.
2. The letter shall introduce any pertinent information concerning expectations and probabilities of discovery during trenching and/or grading activities.
3. The PI may submit a detailed letter to MMC requesting a reduction to the 1/4 mile radius.

B. PI Shall Attend Precon Meetings

1. Prior to beginning any work that requires monitoring; the Applicant shall arrange a Precon Meeting that shall include the PI, Native American consultant/monitor (where Native American resources may be impacted), Construction Manager (CM) and/or Grading Contractor, Resident Engineer (RE), Building Inspector (BI), if appropriate, and MMC. The qualified Archaeologist and Native American Monitor shall attend any grading/excavation related Precon Meetings to make comments and/or suggestions concerning the Archaeological Monitoring program with the Construction Manager and/or Grading Contractor.

- a. If the PI is unable to attend the Precon Meeting, the Applicant shall schedule a focused Precon Meeting with MMC, the PI, RE, CM or BI, if appropriate, prior to the start of any work that requires monitoring.
2. Acknowledgement of Responsibility for Curation (CIP or Other Public Projects)
The applicant shall submit a letter to MMC acknowledging their responsibility for the cost of curation associated with all phases of the archaeological monitoring program.
3. Identify Areas to be Monitored
 - b. Prior to the start of any work that requires monitoring, the PI shall submit an Archaeological Monitoring Exhibit (AME) (with verification that the AME has been reviewed and approved by the Native American consultant/monitor when Native American resources may be impacted) based on the appropriate construction documents (reduced to 11x17) to MMC identifying the areas to be monitored including the delineation of grading/excavation limits.
 - c. The AME shall be based on the results of a site specific records search as well as information regarding the age of existing pipelines, laterals and associated appurtenances and/or any known soil conditions (native or formation).
 - d. MMC shall notify the PI that the AME has been approved.
4. When Monitoring Will Occur
 - a. Prior to the start of any work, the PI shall also submit a construction schedule to MMC through the RE indicating when and where monitoring will occur.
 - b. The PI may submit a detailed letter to MMC prior to the start of work or during construction requesting a modification to the monitoring program. This request shall be based on relevant information such as review of final construction documents which indicate conditions such as age of existing pipe to be replaced, depth of excavation and/or site graded to bedrock, etc., which may reduce or increase the potential for resources to be present.
5. Approval of AME and Construction Schedule
After approval of the AME by MMC, the PI shall submit to MMC written authorization of the AME and Construction Schedule from the CM.

III. During Construction

- A. Monitor Shall be Present During Grading/Excavation/Trenching
 1. The Archaeological Monitor shall be present full-time during all soil disturbing and grading/excavation/trenching activities which could result in impacts to archaeological resources as identified on the AME. **The Construction Manager is responsible for notifying the RE, PI, and MMC of changes to any construction activities such as in the case of a potential safety concern within the area being monitored. In certain circumstances OSHA safety requirements may necessitate modification of the AME.**
 2. The Native American consultant/monitor shall determine the extent of their presence during soil disturbing and grading/excavation/trenching activities based on the AME and provide that information to the PI and MMC. If prehistoric resources are encountered during the Native American consultant/monitor's absence, work shall stop and the Discovery Notification Process detailed in Section III.B-C and IV.A-D shall commence.
 3. The PI may submit a detailed letter to MMC during construction requesting a modification to the monitoring program when a field condition such as modern disturbance post-dating the previous grading/trenching activities, presence of fossil formations, or when native soils are encountered that may reduce or increase the potential for resources to be present.

4. The archaeological and Native American consultant/monitor shall document field activity via the Consultant Site Visit Record (CSVSR). The CSVSR's shall be faxed by the CM to the RE the first day of monitoring, the last day of monitoring, monthly (**Notification of Monitoring Completion**), and in the case of ANY discoveries. The RE shall forward copies to MMC.
- B. Discovery Notification Process
1. In the event of a discovery, the Archaeological Monitor shall direct the contractor to temporarily divert all soil disturbing activities, including but not limited to digging, trenching, excavating or grading activities in the area of discovery and in the area reasonably suspected to overlay adjacent resources and immediately notify the RE or BI, as appropriate.
 2. The Monitor shall immediately notify the PI (unless Monitor is the PI) of the discovery.
 3. The PI shall immediately notify MMC by phone of the discovery, and shall also submit written documentation to MMC within 24 hours by fax or email with photos of the resource in context, if possible.
 4. No soil shall be exported off-site until a determination can be made regarding the significance of the resource specifically if Native American resources are encountered.
- C. Determination of Significance
1. The PI and Native American consultant/monitor, where Native American resources are discovered shall evaluate the significance of the resource. If Human Remains are involved, follow protocol in Section IV below.
 - a. The PI shall immediately notify MMC by phone to discuss significance determination and shall also submit a letter to MMC indicating whether additional mitigation is required.
 - b. If the resource is significant, the PI shall submit an Archaeological Data Recovery Program (ADRP) and obtain written approval of the program from MMC, CM and RE. ADRP and any mitigation must be approved by MMC, RE and/or CM before ground disturbing activities in the area of discovery will be allowed to resume. **Note: If a unique archaeological site is also an historical resource as defined in CEQA Section 15064.5, then the limits on the amount(s) that a project applicant may be required to pay to cover mitigation costs as indicated in CEQA Section 21083.2 shall not apply.**
 - (1). Note: For pipeline trenching and other linear projects in the public Right-of-Way, the PI shall implement the Discovery Process for Pipeline Trenching projects identified below under "D."
 - c. If the resource is not significant, the PI shall submit a letter to MMC indicating that artifacts will be collected, curated, and documented in the Final Monitoring Report. The letter shall also indicate that that no further work is required.
 - (1). Note: For Pipeline Trenching and other linear projects in the public Right-of-Way, if the deposit is limited in size, both in length and depth; the information value is limited and is not associated with any other resource; and there are no unique features/artifacts associated with the deposit, the discovery should be considered not significant.
 - (2). Note, for Pipeline Trenching and other linear projects in the public Right-of-Way, if significance can not be determined, the Final Monitoring Report and Site Record (DPR Form 523A/B) shall identify the discovery as Potentially Significant.

D. Discovery Process for Significant Resources - Pipeline Trenching and other Linear Projects in the Public Right-of-Way

The following procedure constitutes adequate mitigation of a significant discovery encountered during pipeline trenching activities or for other linear project types within the Public Right-of-Way including but not limited to excavation for jacking pits, receiving pits, laterals, and manholes to reduce impacts to below a level of significance:

1. Procedures for documentation, curation and reporting
 - a. One hundred percent of the artifacts within the trench alignment and width shall be documented in-situ, to include photographic records, plan view of the trench and profiles of side walls, recovered, photographed after cleaning and analyzed and curated. The remainder of the deposit within the limits of excavation (trench walls) shall be left intact.
 - b. The PI shall prepare a Draft Monitoring Report and submit to MMC via the RE as indicated in Section VI-A.
 - c. The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) the resource(s) encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines. The DPR forms shall be submitted to the South Coastal Information Center for either a Primary Record or SDI Number and included in the Final Monitoring Report.
 - d. The Final Monitoring Report shall include a recommendation for monitoring of any future work in the vicinity of the resource.

IV. Discovery of Human Remains

If human remains are discovered, work shall halt in that area and no soil shall be exported off-site until a determination can be made regarding the provenance of the human remains; and the following procedures as set forth in CEQA Section 15064.5(e), the California Public Resources Code (Sec. 5097.98) and State Health and Safety Code (Sec. 7050.5) shall be undertaken:

- A. Notification
 1. Archaeological Monitor shall notify the RE or BI as appropriate, MMC, and the PI, if the Monitor is not qualified as a PI. MMC will notify the appropriate Senior Planner in the Environmental Analysis Section (EAS) of the Development Services Department to assist with the discovery notification process.
 2. The PI shall notify the Medical Examiner after consultation with the RE, either in person or via telephone.
- B. Isolate discovery site
 1. Work shall be directed away from the location of the discovery and any nearby area reasonably suspected to overlay adjacent human remains until a determination can be made by the Medical Examiner in consultation with the PI concerning the provenience of the remains.
 2. The Medical Examiner, in consultation with the PI, will determine the need for a field examination to determine the provenience.
 3. If a field examination is not warranted, the Medical Examiner will determine with input from the PI, if the remains are or are most likely to be of Native American origin.
- C. If Human Remains **ARE** determined to be Native American
 1. The Medical Examiner will notify the Native American Heritage Commission (NAHC) within 24 hours. By law, **ONLY** the Medical Examiner can make this call.
 2. NAHC will immediately identify the person or persons determined to be the Most Likely Descendent (MLD) and provide contact information.

3. The MLD will contact the PI within 24 hours or sooner after the Medical Examiner has completed coordination, to begin the consultation process in accordance with CEQA Section 15064.5(e), the California Public Resources and Health & Safety Codes.
4. The MLD will have 48 hours to make recommendations to the property owner or representative, for the treatment or disposition with proper dignity, of the human remains and associated grave goods.
5. Disposition of Native American Human Remains will be determined between the MLD and the PI, and, if:
 - a. The NAHC is unable to identify the MLD, OR the MLD failed to make a recommendation within 48 hours after being notified by the Commission, OR;
 - b. The landowner or authorized representative rejects the recommendation of the MLD and mediation in accordance with PRC 5097.94 (k) by the NAHC fails to provide measures acceptable to the landowner, THEN
 - c. To protect these sites, the landowner shall do one or more of the following:
 - (1) Record the site with the NAHC;
 - (2) Record an open space or conservation easement; or
 - (3) Record a document with the County.
 - d. Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of such a discovery may be ascertained from review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and items associated and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to Section 5.c., above.
- D. If Human Remains are **NOT** Native American
 1. The PI shall contact the Medical Examiner and notify them of the historic era context of the burial.
 2. The Medical Examiner will determine the appropriate course of action with the PI and City staff (PRC 5097.98).
 3. If the remains are of historic origin, they shall be appropriately removed and conveyed to the San Diego Museum of Man for analysis. The decision for internment of the human remains shall be made in consultation with MMC, EAS, the applicant/landowner, any known descendant group, and the San Diego Museum of Man.

V. Night and/or Weekend Work

- A. If night and/or weekend work is included in the contract
 1. When night and/or weekend work is included in the contract package, the extent and timing shall be presented and discussed at the precon meeting.
 2. The following procedures shall be followed.
 - a. No Discoveries
In the event that no discoveries were encountered during night and/or weekend work, the PI shall record the information on the CSV and submit to MMC via fax by 8AM of the next business day.
 - b. Discoveries
All discoveries shall be processed and documented using the existing procedures detailed in Sections III - During Construction, and IV – Discovery of Human Remains. Discovery of human remains shall always be treated as a significant discovery.

- c. Potentially Significant Discoveries
If the PI determines that a potentially significant discovery has been made, the procedures detailed under Section III - During Construction and IV-Discovery of Human Remains shall be followed.
- d. The PI shall immediately contact the RE and MMC, or by 8AM of the next business day to report and discuss the findings as indicated in Section III-B, unless other specific arrangements have been made.
- B. If night and/or weekend work becomes necessary during the course of construction
 - 1. The Construction Manager shall notify the RE, or BI, as appropriate, a minimum of 24 hours before the work is to begin.
 - 2. The RE, or BI, as appropriate, shall notify MMC immediately.
- C. All other procedures described above shall apply, as appropriate.

VI. Post Construction

A. Submittal of Draft Monitoring Report

- 1. The PI shall submit two copies of the Draft Monitoring Report (even if negative), prepared in accordance with the Historical Resources Guidelines (Appendix C/D) which describes the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program (with appropriate graphics) to MMC via the RE for review and approval within 90 days following the completion of monitoring. **It should be noted that if the PI is unable to submit the Draft Monitoring Report within the allotted 90-day timeframe as a result of delays with analysis, special study results or other complex issues, a schedule shall be submitted to MMC establishing agreed due dates and the provision for submittal of monthly status reports until this measure can be met.**
 - a. For significant archaeological resources encountered during monitoring, the Archaeological Data Recovery Program or Pipeline Trenching Discovery Process shall be included in the Draft Monitoring Report.
 - b. Recording Sites with State of California Department of Parks and Recreation
The PI shall be responsible for recording (on the appropriate State of California Department of Park and Recreation forms-DPR 523 A/B) any significant or potentially significant resources encountered during the Archaeological Monitoring Program in accordance with the City's Historical Resources Guidelines, and submittal of such forms to the South Coastal Information Center with the Final Monitoring Report.
- 2. MMC shall return the Draft Monitoring Report to the PI via the RE for revision or, for preparation of the Final Report.
- 3. The PI shall submit revised Draft Monitoring Report to MMC via the RE for approval.
- 4. MMC shall provide written verification to the PI of the approved report.
- 5. MMC shall notify the RE or BI, as appropriate, of receipt of all Draft Monitoring Report submittals and approvals.

B. Handling of Artifacts

- 1. The PI shall be responsible for ensuring that all cultural remains collected are cleaned and catalogued
- 2. The PI shall be responsible for ensuring that all artifacts are analyzed to identify function and chronology as they relate to the history of the area; that faunal material is identified as to species; and that specialty studies are completed, as appropriate.

C. Curation of artifacts: Accession Agreement and Acceptance Verification

- 1. The PI shall be responsible for ensuring that all artifacts associated with the survey, testing and/or data recovery for this project are permanently curated with an appropriate

institution. This shall be completed in consultation with MMC and the Native American representative, as applicable.

2. When applicable to the situation, the PI shall include written verification from the Native American consultant/monitor indicating that Native American resources were treated in accordance with state law and/or applicable agreements. If the resources were reinterred, verification shall be provided to show what protective measures were taken to ensure no further disturbance occurs in accordance with Section IV – Discovery of Human Remains, Subsection C.
 3. The PI shall submit the Accession Agreement and catalogue record(s) to the RE or BI, as appropriate for donor signature with a copy submitted to MMC.
 4. The RE or BI, as appropriate shall obtain signature on the Accession Agreement and shall return to PI with copy submitted to MMC.
 5. The PI shall include the Acceptance Verification from the curation institution in the Final Monitoring Report submitted to the RE or BI and MMC.
- D. Final Monitoring Report(s)
1. The PI shall submit one copy of the approved Final Monitoring Report to the RE or BI as appropriate, and one copy to MMC (even if negative), within 90 days after notification from MMC of the approved report.
 2. The RE shall, in no case, issue the Notice of Completion until receiving a copy of the approved Final Monitoring Report from MMC which includes the Acceptance Verification from the curation institution.

**The City of San Diego
COMPTROLLER'S CERTIFICATE**

CERTIFICATE OF UNALLOTTED BALANCE

ORIGINATING
CC 3000010178
DEPT. NO.: 2112

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount: _____

Purpose: _____

Date: _____

By: _____

COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Funded Program	Fund	Grant Number	G/L Account	Functional Area	Business Area	Fund Center or Cost Center	Internal Order or WBS Element	Original Amount
TOTAL AMOUNT									

FUND OVERRIDE ☐

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed: \$3,546,939.00

Vendor: San Diego Association of Governments

Purpose: To authorize the expenditure of funds not to exceed \$3,546,939.00 to San Diego Association of Governments for the First Amendment to the Wet Utility Agreements for the Mid-Coast Corridor Transit Project.

Date: July 10, 2017

By:  Raymond Iadanza
COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA									
Doc. Item	Funded Program	Fund	Grant Number	G/L Account	Functional Area	Business Area	Fund Center or Cost Center	Internal Order or WBS Element	Original Amount
1	B15221	700010	NOT_RELEVANT_GRANT	512066	OTHR-00000000-WU	2013	2013171115	B-15221.06.02	\$2,024,097.00
2	B15220	700008	NOT_RELEVANT_GRANT	512066	OTHR-00000000-SU	2011	2011131412	B-15220.06.02	\$1,372,570.00
3	B15136	700008	NOT_RELEVANT_GRANT	512066	OTHR-00000000-SU	2011	2011131412	B-15136.06.02	\$150,272.00
TOTAL AMOUNT									\$3,546,939.00